IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22675 of 2004

Between:

K. Subramanyam, S/o. Chander Raj,
Resident of P.V. Puram, Satyavedu Mandal, Chittoor

District.

..... PETITIONER

AND

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1 The District Collector, Chittoor District, Chittoor.
2 Superintending Engineer, Irrigation & Command Area

Development, Irrigation Circle, Chittoor.
3 The Executive Engineer, Irrigation & Command Area

Development, Irrigation Division (Kalahasti) Chittoor.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, order or direction preferably a writ in the nature of Mandamus, declaring the inaction of the respondents in not releasing the balance payment of Rs.37,000/- to the petitioner in respect of work completed by the petitioner, in respect of the work, namely CDR to P.V. Puram Tankbund and Sluice near P.V. Puram Village, in pursuance of Proceedings DR NO. 63 EGS/94-95 IDT No. 1267, as illegal, arbitrary and violative of Article 14 of the constitution of India and consequently direct the respondents to forthwith release the amount of Rs.37,000/- to the petitioner together with interest at the rate of 24 % per annum from the date of completion of the work till the date of payment.

Counsel for the Petitioner: MR.V.VINOD.K.REDDY

Counsel for Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORAL ORDER:

The petitioner claims to have been entrusted with the work of repairs to an irrigation tank estimated at Rs.99,900/-. He claims to have executed the work and that an amount of Rs.62,900/- was paid. According to him a sum of Rs.37,000/- is due and though several years have elapsed, the balance amount had not been paid so bar.

Heard learned counsel for the petitioner and learned Government Pleader for Irrigation.

The petitioner placed reliance upon a letter dated 30-12-1999 said to have been addressed to the Executive Engineer, third respondent herein to the first respondent wherein reference is made to the work said to have been entrusted to the petitioner, at Item No.9. The question as to whether any amount has been paid so far, and whether the petitioner is entitled to be paid the same cannot be decided by this court at this stage. It is for the respondents to take necessary steps. If the petitioner had executed the work, the respondents cannot deny the payment of the balance amount.

Hence, the writ petition is disposed of leaving it open to the petitioner to make a representation to the first respondent with a copy to respondents 2 and 3. They in turn shall pass appropriate orders within a period of four weeks from the date of receipt of the representation and take further action.

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L. Narasimha Reddy, J.

9th December, 2004

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To

1 The District Collector, Chittoor District, Chittoor.
2 Superintending Engineer, Irrigation & Command Area

Development, Irrigation Circle, Chittoor.
3 The Executive Engineer, Irrigation & Command Area

Development, Irrigation Division (Kalahasti) Chittoor.

4 2 CCs to G.P. for Cooperation and Commercial Area

Development, High Court Buildings, Hyderabad.

5 2 CD copies.